

Atty. Dkt. No. 041673-2115

**THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Tuszynski, Mark H.

Title: METHODS FOR THERAPY OF  
NEURODEGENERATIVE  
DISEASE OF THE BRAIN

Appl. No.: 10/748,337

Filing Date: 12/29/2003

Examiner:

Art Unit:

<p><b>CERTIFICATE OF MAILING</b></p> <p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450, on the date below.</p> <p><b>DIANE GARCIA</b> (Printed Name)</p> <p><i>Diane Garcia</i> (Signature)</p> <p><b>4-23-04</b> (Date of Deposit)</p>
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**INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 CFR §1.56**

Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

Sir:

The USPTO has waived the requirement under 37 CFR 1.98(a)(2)(i) to submit copies of U.S. patents and U.S. patent application publications when citing and submitting an Information Disclosure Statements in a patent application filed after June 30, 2003 and in an international application that has entered the national stage under 37 USC §371 after June 30, 2003. Accordingly, copies of these types of documents are not being supplied in connection with this application. Reference is being made to Pre-OG Notice from Office of Patent Legal Administration dated July 25, 2003, *Information Disclosure Statements May Be Filed Without Copies of U.S. Patents and Published Applications in Patent Applications filed after June 30, 2003.*

Applicant submits herewith on Forms PTO-892, PTO-1449 and PTO/SB/08 a listing of the documents cited by or submitted to the U.S. PTO in parent Application

Serial No. 09/620,174, filed July 19, 2000, now United States Patent No. 6,683,058, issued Jan. 27, 2004 and parent Application Serial No. 09/060,543, filed April 15, 1998, now United States Patent No. 6,451,306, issued Sept. 17, 2002.. As provided in 37 CFR §1.98(d), copies of the documents are not being provided since they were previously submitted to the United States Patent & Trademark Office in the above-identified parent application.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicant does not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

#### **TIMING OF THE DISCLOSURE**

The listed documents are being submitted in compliance with 37 CFR §1.97(b), before the mailing date of the first Office Action on the merits.

#### **RELEVANCE OF EACH DOCUMENT**

All of the documents are in English.

Applicant respectfully requests that any listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of all forms be returned in accordance with MPEP §609.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872.

Respectfully submitted,

Date

4-22-04

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Registration No. 34,842

Form PTO-1449

INFORMATION DISCLOSURE CITATION  
IN AN APPLICATION

(Use several sheets if necessary)

Docket Number: 041673/2043

Application Number: 09/620,174

Applicant: Tuszynski, et al.

Filing Date: 07/19/2000

Group Art Unit: 1633

## U.S. PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Name	Class	Subclass	Filing Date If Appropriate
	A1	01/21/92	5,082,670	Gage et al.			
	A2	06/25/96	5,529,774	Barba et al.			
	A3	07/22/97	5,650,148	Gage et al.			
	A4	11/04/97	5,683,695	Shen et al.			
	A5	05/26/98	5,756,312	Weiner et al.			
	A6	06/09/98	5,762,926	Gage et al.			

## FOREIGN PATENT DOCUMENTS

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	A7*	06/28/90	WO 90/06757	PCT			

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EXAMINER:

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EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.

Form PTO-1449

# INFORMATION DISCLOSURE CITATION IN AN APPLICATION

(Use several sheets if necessary)

Docket Number: 041673/2043

Application Number: 09/620,174

Applicant: Tuszynski, et al.

Filing Date: 07/19/2000

Group Art Unit: 1633

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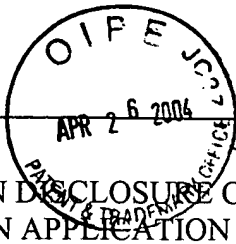
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	A53*	Smith et al., "Age-associated neuronal atrophy occurs in the primate brain and is reversible by growth factor gene therapy" <u>Proc. Natl. Acad. Sci.</u> (1999) 96:10893-8.
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2004



# Notice of References Cited

Application No.  
09/060,543

Applicant(s)  
Tuszynski et al.

Examiner  
Shin-Lin Chen

Group Art Unit  
1633

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## U.S. PATENT DOCUMENTS

	DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS
A	5,650,148	7-22-97	Gage et al.	424	93.2
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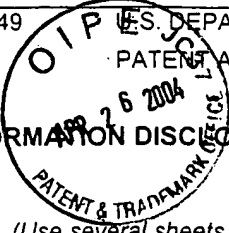
## FOREIGN PATENT DOCUMENTS

	DOCUMENT NO.	DATE	COUNTRY	NAME	CLASS	SUBCLASS
N	* WO 90/06757	6-28-90	PCT	Gage et al.	---	---
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P						
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R						
S						
T						

## NON-PATENT DOCUMENTS

	DOCUMENT (Including Author, Title, Source, and Pertinent Pages)	DATE
U	Yang et al., Journal of Neurotrauma, Vol. 14(5), p. 281-297. *	5-97
V		
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Form PTO-1449 (MODIFIED)  <b>INFORMATION DISCLOSURE CITATION</b> (Use several sheets if necessary)	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTY. DOCKET NO. 041673-2043	SERIAL NO. 09/620,174
	APPLICANT Tuszyński, Mark H.		
	FILING DATE 07/19/2000	GROUP ART UNIT 1633	

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE IF APPROPRIATE

## FOREIGN PATENT DOCUMENTS

	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	TRANSLATION	
							YES	NO

## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

	A1 *	Kojima, et al., "Adenovirus-Mediated transduction with human glial cell line-derived neurotrophic factor gene prevents 1-methyl-4-phenyl-1,2,3,6-tetrahydropyridine-induced dopamine depletion in striatum of mouse brain," <i>Biochemical and Biophysical Research Communications</i> , <u>238</u> :569-573 (1997)
	A2 *	Roberts, et al., "Effects of NGF-Secreting Genetically Modified Cell Grafts on Cholinergic Neuronal Morphology and Gognition in Aged Primates," <i>Soc. For Neuroscience Abstracts</i> , <u>21</u> (2):613.8 (1995)
	A3 *	Yang, et al., "Gene Therapy for Central Nervous System Injury: The Use of Cationic Liposomes: An Invited Review," <i>Journal of Neurotrauma</i> , <u>14</u> (5):281-297 (1997)
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DATE CONSIDERED

\* EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include any copy of this form with next communication to applicant.

Form PTO-1449 (MODIFIED)  <b>INFORMATION DISCLOSURE CITATION</b>  (Use several sheets if necessary)	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE  APR 26 2004 PATENT & TRADEMARK OFFICE	ATTY. DOCKET NO. 041673-2043	SERIAL NO. 09/620,174
		APPLICANT Tuszynski, Mark H.	
		FILING DATE 07/19/2000	GROUP ART UNIT 1633

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							YES	NO

## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

	AT*	Tuszynski, et al., "Targeted Intraparenchymal Delivery of Human NGF by Gene Transfer to the Primate Basal Forebrain for 3 Months Does Not Accelerate $\beta$ -Amyloid Plaque Disposition," <i>Experimental Neurology</i> , Article No. EN986956 1-10 (1998).

EXAMINER	DATE CONSIDERED
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**Notice of References Cited**

APR 26 2004

Application/Control No.

09/620,174

Applicant(s)/Patent Under  
Reexamination  
TUSZYNSKI, MARK H.

Examiner

Shin-Lin Chen

Art Unit

1632

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**U.S. PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-			
	B	US-			
	C	US-			
	D	US-			
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**FOREIGN PATENT DOCUMENTS**

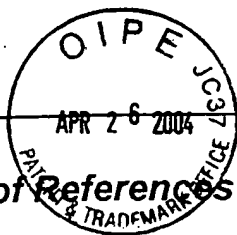
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**NON-PATENT DOCUMENTS**

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	<input checked="" type="checkbox"/> U	Deonarain; Ligand-targeted receptor-mediated vectors for gene delivery, 1998, Exp. Opin. Ther. Patents 8: 53-69..
	<input checked="" type="checkbox"/> V	Verma et.al.; Gene t herapy- promises, problems and prospects , 1997, Nature, vol. 389: 239-242.
	<input checked="" type="checkbox"/> W	Eck et.al.;Gene-Based Therapy, 1996, Pharmacological Basis of Therapeutics: 77-101.
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\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)  
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

2004



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<input checked="" type="checkbox"/>	Blesch et al., Clinical Neuroscience, Vol. 3, p, 268-274.	1996
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